

ORDINANCE NO. 2004 - 047

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT **SCA 2004-00002 (ORLEANS COURT INDUSTRIAL)**; MODIFYING PAGE 64 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 2.03 ACRES GENERALLY LOCATED ON THE NORTH SIDE OF ORLEANS COURT, APPROXIMATELY 350 FEET WEST OF MILITARY TRAIL FROM HIGH REISIDENTIAL, 8 UNITS PER ACRE (HR-8) TO COMMERCIAL HIGH, WITH AN UNDERLYING INDUSTRIAL (CH/IND) ON 0.45 ACRES AND TO INDUSTRIAL ON 1.58 ACRES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on April 16, 2004, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

1 WHEREAS, the Palm Beach County Board of County Commissioners, as
2 the governing body of Palm Beach County, conducted a public hearing
3 pursuant to Chapter 163, Part II, Florida Statutes, on October 28,
4 2004, to review the recommendations of the Local Planning Agency and
5 to consider adoption of the amendments; and

6 WHEREAS, the Palm Beach County Board of County Commissioners has
7 determined that the amendment complies with all requirements of the
8 Local Government Comprehensive Planning and Land Development
9 Regulation Act.

10 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
11 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

12 Part I. Amendments to the Future Land Use Atlas of the Land Use
13 Element of the 1989 Comprehensive Plan

14 The following amendment to the Future Land Use Element's Future
15 Land Use Atlas is hereby adopted and is attached to this Ordinance:

16 A. Future Land Use Atlas page 64 is amended as follows:

17 Application No.: Orleans Court Industrial (SCA 2004-00002)

18 Amendment: From High Residential, 8 units per acre
19 (HR-8) to Commercial High, with an
20 underlying Industrial (CH/IND) on 0.45
21 acres and to Industrial (IND) on 1.58
22 acres;

23 General Location: North side of Orleans Court, approximately
24 350 feet west of Military Trail;

25 Size: Approximately 2.03 acres;

26 Part II. Repeal of Laws in Conflict

27 All local laws and ordinances applying to the unincorporated area
28 of Palm Beach County in conflict with any provision of this ordinance
29 are hereby repealed to the extent of such conflict.

30 Part III. Severability

31 If any section, paragraph, sentence, clause, phrase, or word of
32 this Ordinance is for any reason held by the Court to be
33 unconstitutional, inoperative or void, such holding shall not affect
34 the remainder of this Ordinance.

35 Part IV. Inclusion in the 1989 Comprehensive Plan

36 The provisions of this Ordinance shall become and be made a part

1 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
2 Ordinance may be renumbered or relettered to accomplish such, and the
3 word "ordinance" may be changed to "section," "article," or any other
4 appropriate word.

5 Part V. Effective Date

6 This amendment shall not become effective until 31 days after
7 adoption. If challenged within 30 days after adoption, this amendment
8 shall not become effective until the state land planning agency or the
9 Administration Commission, respectively, issues a final order
10 determining the amendment is in compliance.

11 **APPROVED AND ADOPTED** by the Board of County Commissioners of
12 Palm Beach County, on the 28 day of October, 2004.

13
14 ATTEST:

15 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,

BY ITS BOARD OF COUNTY COMMISSIONERS

16
17
18 By: Linda C. Wilken

19 Deputy Clerk

By: Karen T. Marcus

20 Karen T. Marcus, Chair

21 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

22
23 [Signature]
24 COUNTY ATTORNEY

25
26 Filed with the Department of State on the 4 day
27 of November, 2004.
28

EXHIBIT 1

Amendment No.: Orleans Court Industrial (SCA 2004-00002)

FLUA Page No.: 64

Amendment: From High Residential, 8 units per acre (HR-8) to Commercial High, with an underlying Industrial (CH/IND) on 0.45 acres (Parcel A) and to Industrial (IND) on 1.03 acres (Parcel B).

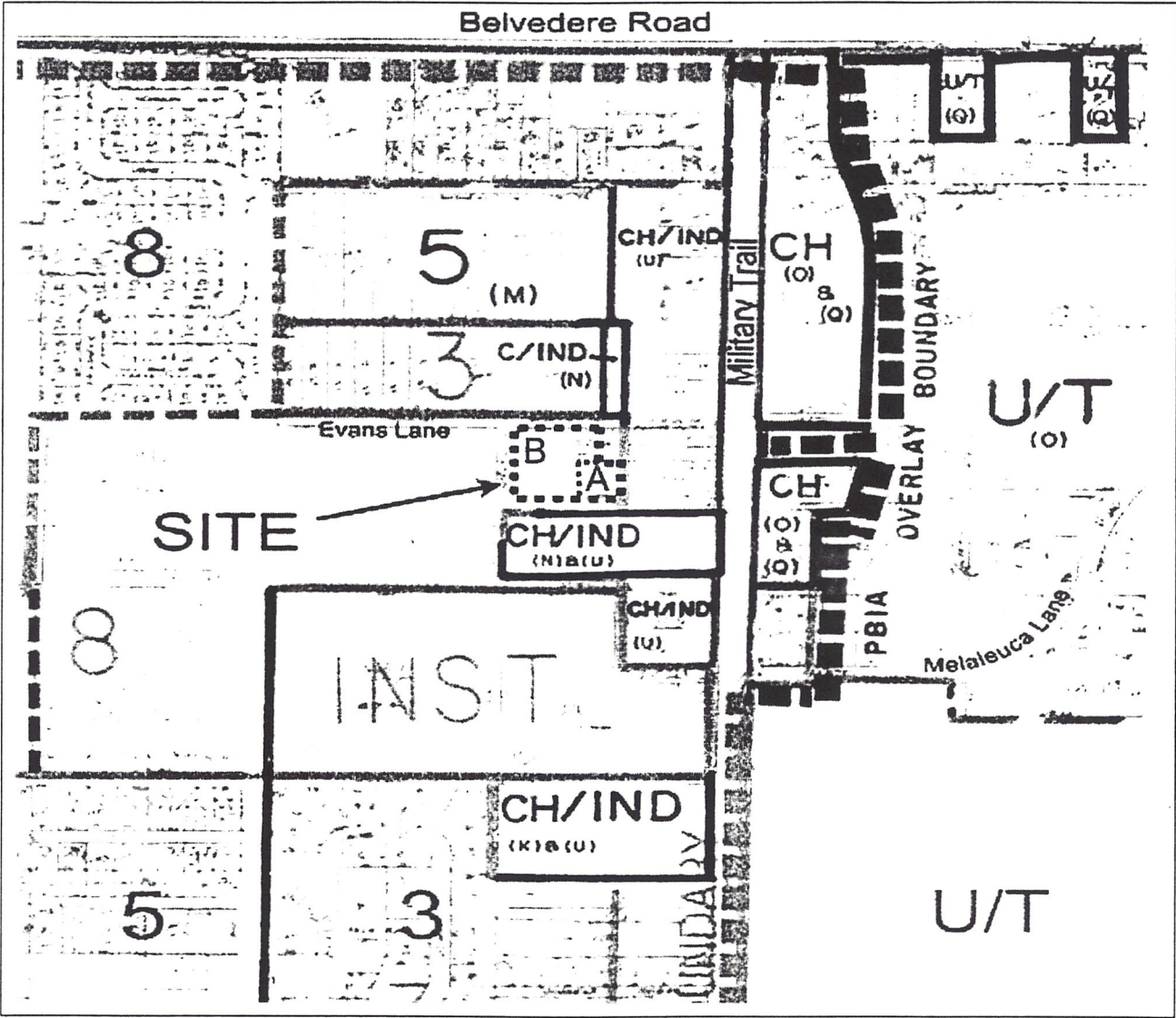
Location: North side of Orleans Court, approximately 350 feet west of Military Trail.

Size: Approximately 2.03 acres

Property No.: 00-42-43-36-20-000-0010 (a 1.89 acre portion of a 2.09 acre parcel) and 00-42-43-36-19-000-1560

Legal Description: See attached

Conditions: None



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Legal Description:

LEGAL DESCRIPTION: PARCEL A

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE REPLAT OF WESTOVER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 18, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL, AS CONVEYED TO THE STATE OF FLORIDA, AS RECORDED IN OFFICIAL RECORD BOOK 664, PAGE 360, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO BEING A LINE 53 FEET WEST OF AND PARALLEL WITH THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 36, AND THE NORTH LINE OF ORLEANS COURT, FORMERLY KNOWN AS HAZARD STREET, A RIGHT-OF-WAY 60 FEET IN WIDTH, AS SHOWN ON THE PLAT OF WESTOVER, AS RECORDED IN PLAT BOOK 4, AT PAGE 2, OF THE AFORESAID PUBLIC RECORDS, SAID INTERSECTION BEING THE SOUTHEAST CORNER OF THE CLEAR SIGHT CORNER IN OFFICIAL RECORD BOOK 9909, PAGE 33 OF SAID PUBLIC RECORDS; THENCE NORTH 88°36'23" WEST ALONG SAID NORTH LINE OF ORLEANS COURT, A DISTANCE OF 247.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 88°36'23" WEST A DISTANCE OF 153.52 FEET; THENCE NORTH 01°28'29" EAST A DISTANCE OF 126.91 FEET TO THE SOUTH LINE OF LOTS 157 AND 156 OF SAID PLAT OF WESTOVER; THENCE SOUTH 88°35'33" EAST, ALONG SAID SOUTH LINE OF LOTS 157 AND 156 AND ITS EASTERLY PROLONGATION, A DISTANCE OF 153.59 FEET; THENCE SOUTH 01°30'22" WEST A DISTANCE OF 126.87 FEET TO THE POINT OF BEGINNING.

CONTAINING 19,485 SQUARE FEET OR 0.44731 ACRES, MORE OR LESS.

LEGAL DESCRIPTION: PARCEL B

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE REPLAT OF WESTOVER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 18, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 69,061 SQUARE FEET OR 1.58542 ACRES, MORE OR LESS.

PARCEL A AND B COMBINED CONTAINING 88,546 SQUARE FEET OR 2.03273 ACRES, MORE OR LESS.

ORDINANCE NO. 2004 - 047

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WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

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WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on April 16, 2004, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

1 WHEREAS, the Palm Beach County Board of County Commissioners, as
2 the governing body of Palm Beach County, conducted a public hearing
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4 2004, to review the recommendations of the Local Planning Agency and
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28 of Palm Beach County in conflict with any provision of this ordinance
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2 Ordinance may be renumbered or relettered to accomplish such, and the
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7 adoption. If challenged within 30 days after adoption, this amendment
8 shall not become effective until the state land planning agency or the
9 Administration Commission, respectively, issues a final order
10 determining the amendment is in compliance.

11 **APPROVED AND ADOPTED** by the Board of County Commissioners of
12 Palm Beach County, on the 28 day of October, 2004.

13
14 ATTEST:

15 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

16
17 By: Linda C. Hook
18 Deputy Clerk

19 By: Karen T. Marcus
20 Karen T. Marcus, Chair

21 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

22
23 Robert J. [Signature]
24 COUNTY ATTORNEY

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26 Filed with the Department of State on the 4 day
27 of November, 2004.
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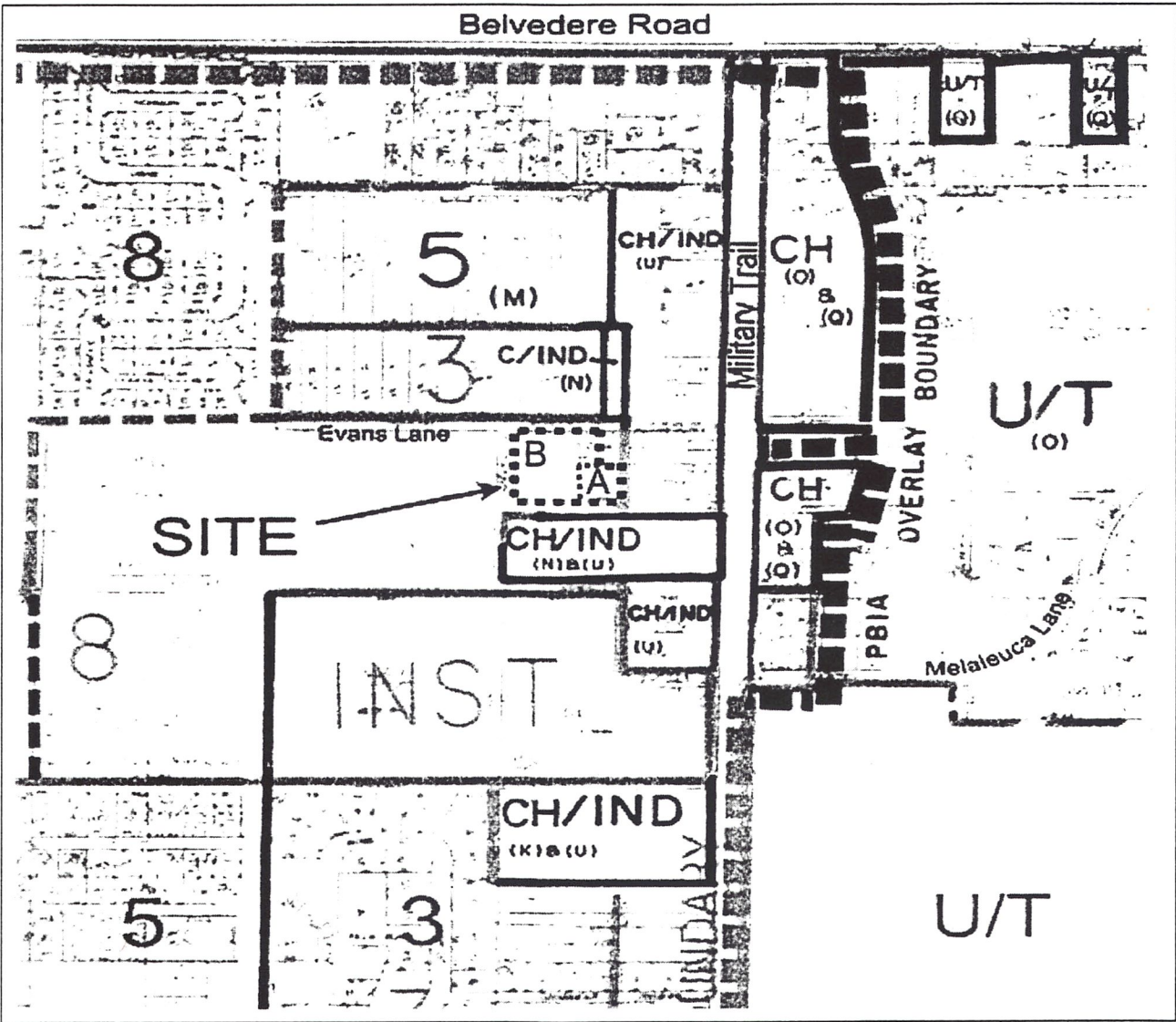
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Legal Description: See attached

Conditions: None



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LEGAL DESCRIPTION: PARCEL A

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PARCEL A AND B COMBINED CONTAINING 88,546 SQUARE FEET OR 2.03273 ACRES, MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on October 28, 2004
DATED at West Palm Beach, FL on 12/9/04
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.